

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

J.Q. DOE,

Plaintiff,

v.

ANDREA LYNNE BENOIT, et al.,

Defendants.

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Civil No. 1:19-cv-01253 (DLF)

May 8, 2019

NOTICE OF ERRATA

The Plaintiff hereby informs the Court of errata identified in her Complaint, respectfully filed on April 26, 2019, as ECF No. 1:

1. Beginning with page 35, paragraph 260 and subsequent paragraphs shall be renumbered to be consistent with the preceding paragraph numbers ending with 272.

2. On page 1, the caption shall include addresses for Defendants Acting Secretary of Defense Patrick Shanahan (United States Department of Defense, 1400 Defense Pentagon, Washington, DC 20301-1400) and DCMA Director USN Vice-Admiral David H. Lewis (Defense Contract Management Agency, 3901 A Avenue, Fort Lee, VA 23801).

3. On page 1, the caption shall omit the aforementioned addresses following the names of Defendants UNITED STATES DEPARTMENT OF DEFENSE and DEFENSE CONTRACT MANAGEMENT AGENCY.

4. On page 1, in the caption, the Defendants shall be separated by semi-colons instead of line spaces.

5. On page 1, in the caption, the word “Defendants” is spaced one tab ahead of the word “Plaintiff” and to correct this, the word “Defendants” shall be moved back one “tab” space.

6. On page 1, in the caption the words “Plaintiff” and “Defendants” shall each be moved down one line.

7. On page 2, paragraphs 3 and 4 shall be merged, with the words “, violation of the....” replacing “ This is also a Bivens action under the....” and with the word “unlawful” preceding “insider threat investigation....”

8. On page 2, paragraph 5, “action....” shall be corrected to “actions....”

9. On page 3, paragraph 6, “Defendants Patrick Shanahan and U.S. Navy Vice Admiral David Lewis, pursuant to....” shall be corrected to “Defendants DoD, DCMA, Patrick Shanahan, and U.S. Navy Vice Admiral David Lewis, per....”

10. On page 7, paragraph 30, “Sen. Ron Wyden....” shall be corrected to “U.S. Senator Ron Wyden (D)....” and “Senator Chuck Grassley....” shall be corrected to “U.S. Senator Chuck Grassley (R)....”

11. On page 7, footnote 13, the italicization shall be removed from “Wash. Post” and “Foreign Pol’y J.”

12. On page 8, “On different dates in or around 2012....” shall be corrected to “On unspecified dates....”

13. On page 11 in paragraph 55, line 2, “another female government contracts attorney....” shall be corrected to “Assistant General Counsel Tiffany Koogler....”

14. On page 11, in paragraph 55, line 4, and paragraphs 56, 57 and 58, and on pages 12, 14, and 15 (paras. 65, 78, 79, 81, and 86 “another female government contracts attorney....” or “the aforementioned female government contracts attorney....” shall be corrected to “Ms. Koogler....”

15. On page 11, in paragraph 56, “2013....” shall be corrected to “2013 or 2014....”

16. On page 11, in paragraph 59, “2013....” shall be corrected to “2013 and 2014....” and “often worked less than a full day....” shall be corrected to “often daily worked less than a full work day....” and “each work day” shall be deleted.

17. On page 12, in paragraph 66, “making....” shall be corrected to “often making....”

18. On page 12, in footnote 26, “Wilkins following....” shall be corrected to “Wilkins speaking in dialect following....”

19. On page 12, in footnote 27, the portion of the footnote pertaining to Maggie Fazeli Ward’s 2012 article about Rush Limbaugh and Sandra Fluke shall be omitted.

20. On page 14, paragraph 78, “for a transfer to....” shall be corrected to “to telework from....”

21. On page 14, paragraph 79, “for a voluntary geographic transfer to a....” shall be corrected to “telework from an available....”

22. On page 15, “voluntarily resigned....” shall be corrected to “resigned....”

23. On page 16, in paragraph 87, “the aforementioned female government contracts attorney....” shall be corrected to “Tiffany Koogler....” and a strikethrough shall be removed from “Masiello....”

24. On page 16, in paragraph 88, “the aforementioned female contracts attorney’s....” to “Koogler’s....”

25. On page 16, in paragraph 90, “for filing a whistleblower complaint against Krause....” shall be deleted.

26. On page 16, the entirety of paragraph 92, shall be corrected to “Krause frequently allowed the reimbursement of millions of dollars of otherwise disallowable costs to contractors (to

avoid tangling with their well-heeled K Street government contracts law firms), and frequently directed her team members to do likewise.

27. On page 17, in paragraph 93, “a male contracts supervisor....” shall be corrected to “a contracts supervisor, Richard Piercy....”, “....to supervise about fifteen contracting officers and administrators.” shall be added to the end of the paragraph, and a footnote, “*Richard B. Piercy*, CBCA 5413-RELO at 1 (BCA Feb. 28, 2017), available at https://www.cbca.gov/files/decisions/2017/ZISCHKAU_02-28-17_5413-RELO-R_RICHARD_B_PIERCY.pdf.” shall be added to paragraph 93.

28. On page 17, paragraph 95 shall be deleted.

29. On page 17, in paragraph 96, “One of the employees Mr. Piercy supervised stopped regularly coming to work, and on some occasions, she called in sick as late as 3:00 pm in the afternoon.” shall be corrected to “One of Piercy’s employees stopped regularly coming to work, sometimes called in sick as late as 3:00 pm in the afternoon, and he knew her health was not the cause.”

30. On pages 17 and 18, in paragraphs 94, 96-101, 106-111, “the aforementioned male contracts supervisor,” “him,” and “he” shall all be corrected to “Mr. Piercy.”

31. On page 17, in paragraph 100, “about his....” shall be corrected to “how to handle his....” “Krause began....” Shall be corrected to “Krause instead began....” and “another subject.” shall be corrected to “herself.”

32. On page 17, paragraph 102 shall be corrected to “When Krause just continued talking about herself anyway, Mr. Piercy left and said that he would contact her later about this matter, still unsure about how to proceed.”

33. On page 18, in paragraph 106, “being criticized for refusing to work....” shall be corrected to “being criticized by Mr. Piercy for refusing to work....”

34. On page 18, in paragraph 108, “Sloboda immediately....” shall be corrected to “Mr. Sloboda immediately....”

35. On page 18, in paragraph 113, “had recently....” shall be corrected to “had just recently....”

36. On page 18, in paragraph 114, “prestigious....” shall be corrected to “prominent....”

37. On page 18, paragraph 118, “2017....” shall be corrected to “2016....”

38. On page 19, paragraphs 121 and 122 shall be renumbered paragraphs 128 and 129.

39. On page 20, paragraph 134, “hire her Benoit....” shall be corrected to “hire Benoit....”

40. On page 20, in paragraph 136, “lack of required qualifications....” shall be corrected to “Benoit’s lack of required qualifications....”

41. On page 20, in paragraph 140, “Benoit’s deputy....” shall be corrected to “Malone....” and “teleconference....” shall be corrected to “teleconference about CAS....”

42. In paragraph 147, “employees and contractors....” shall be corrected to “DCMA employees and contractors....”

43. On page 21, paragraph 149, “that Krause had verbally insulted....” shall be corrected to “that Slicker had verbally insulted....” “have tolerate....” shall be corrected to “have to tolerate....” and “mistreating him that way.” shall be corrected to “humiliating him.”

44. On page 21, paragraph 150, “Krause....” shall be corrected to “Slicker....”

45. On page 21, paragraph 151, “held scheduled....” shall be corrected to “held a scheduled....”

46. On page 23, paragraph 164, “or...” shall be corrected to “nor....”

47. On page 25, paragraph 180, “CDRC vacancies because J.Q. was still barred from physically entering the Manassas CMO building during the December 2016 CDRC holiday party.” shall be corrected to “CDRC vacancies at the December 2016 holiday party because J.Q. was still barred from physically entering the Manassas CMO building.”

48. On pages 25 and 26, paragraph 187, “, including information about DCMA’s hiring practices for attorneys, information which is freely provided to the public and outside nonselected applicants for DCMA positions.” shall be deleted.

49. On page 26, paragraph 191, “2018.” shall be corrected to “2017.”

50. On page 26, paragraph 196, “intensified efforts....” shall be corrected to “intensified her efforts....”

51. On page 28, in paragraph 212, “An attorney requires....” shall be corrected to “A federal agency attorney generally requires....”

52. On page 28 in paragraph 213, “J.Q. derailed....” shall be corrected to “J.Q. thus derailed....”

53. On page 28, in paragraph 214, “half during....” shall be corrected to “half, during....” and the name of her current employer shall be corrected to “her new employer.”

54. On page 29, in paragraph 220, “the Insider Threat program....” shall be corrected to “an Agency’s Insider Threat program....” and “probably just causing....” shall be corrected to “probably causing....”

55. On page 30, paragraph 225, “Insider Threat Program in....” shall be corrected to “Program at DCMA in....”, “establishes....” shall be corrected to “established....” and “in compliance....” shall be corrected to “compliant....”

56. On page 30, in paragraph 226, “personal....” shall be corrected to “personnel....”

57. On page 31, in paragraph 227, “what Benoit did...” shall be corrected to “all Benoit did....” and “outside the Office of General Counsel....” shall be corrected to “– outside the Office of General Counsel –....”

58. On page 31, in paragraph 230, “attempting to....” shall be corrected to “attempting in vain to....”

59. On page 31, in paragraph 233, “badge each day....” shall be corrected to “badge....”

60. On page 32, in paragraph 240, “and who was also attending the video conference call, explained....” shall be corrected to “responded....” and “be responsible....” shall be corrected to “be held responsible....”

61. On page 32, in paragraph 238, “violation of security protocols” shall be placed in quotes.

62. On page 32, in paragraph 245, “gone on....” shall be corrected to “had....”, “in both the federal sector and private sector,” shall be deleted, “joining” shall be deleted, and “current employer.” shall be corrected to “current employer learned of the insider threat investigation.”

63. On page 33, in paragraph 255, “2018.” shall be corrected to “2017.”

64. On page 34, in paragraph 260, “from the Eastern Regional Command legal office” shall be deleted.

65. On page 34, in paragraph 261, “DCMA composed....” shall be corrected to “When DCMA composed....” and “were....” shall be corrected to “became....”

66. On page 34, in paragraph 262, “contributed to...” shall be corrected to “contributed to creating...”

67. On page 36, paragraph 270, “expressed....” shall be corrected to “express....”

68. On page 36, paragraph 272, “J.Q. Doe....” shall be corrected to “[J.Q. Doe]....”

69. On page 37, paragraph 275 shall be deleted.

70. On page 37, paragraph 277, “National Capital Area competition in the labor market....” shall be corrected to “competition in the National Capital Area labor market....”

71. On page 37, in paragraph 278, “Krause....” shall be corrected to “Krause and Slicker....”, “abused attorneys....” shall be corrected to “abused CMO attorneys....”, and “Manassas CMO employees....” shall be corrected to “employees....”

72. On page 37, in paragraph 282, “Krause’s....” shall be corrected to “Krause’s and Slicker’s....” and “four attorneys working at the Manassas CMO....” shall be corrected to “four Manassas attorneys....” and “creating shortage....” shall be corrected to “creating a shortage....”

73. On page 37, paragraph 284 shall be deleted and in paragraph 285, “Her....” shall be corrected to “Krause’s and Slicker’s bizarre....” and “officers....” shall be corrected to “personnel....”

74. On page 38, in paragraph 286, “have been disallowed....” shall be corrected to “have disallowed....”

75. On page 38, paragraph 291 shall be deleted.

76. On page 38, paragraph 292 shall be renumbered as paragraph 266, with “has never threatened or attempted to commit violence against anyone, or” being deleted, and “pose....” being corrected to “posed....”

77. On page 38, paragraph 293, and page 42, paragraph 322, Plaintiff's name shall be corrected to "J.Q."

78. On page 38, in footnote 45, "11, (after failing...." shall be corrected to "11 at <https://media.defense.gov/2018/Jul/11/2001941172/-1/-1/1/DODIG-2018-134.PDF> (after failing...." and "DCA...." shall be corrected to "DCMA...."

79. On page 39, in paragraph 265, "never expressed threatened...." shall be corrected to "never threatened...." and "any other DCMA official or employee...." shall be corrected to "any other person...."

80. On page 39, paragraph 299, "Benoit told J.Q.'s current employer...." shall be corrected to "Benoit ensured that J.Q.'s current employer knew...."

81. On page 40, paragraph 303, "Benoit and other DCMA attorneys." shall be corrected to "Benoit, Slicker, Krause and other DCMA attorneys, and Slicker's attempt to slander J.Q."

82. On page 40, paragraph 305, "WPA and WPEA...." shall be corrected to "Whistleblower Protection Act (WPA) and Whistleblower Protection Enhancement Act (WPEA)...." and "intent neither...." shall be corrected to "intent, neither...."

83. On page 40, paragraph 306, and page 43, paragraph 327, ellipses shall be deleted.

84. On page 41, in paragraph 311, "insider threat" shall be corrected to "insider threat,"

85. On page 41, paragraph 313, "delayed the processing of...." shall be corrected to "discontinued...." and "application by...." shall be corrected to "for...."

86. On page 41, paragraph 314, "about why...." shall be corrected to "that she no longer had a Secret clearance because...."

87. On page 41, paragraph 314, "before providing her a Secret clearance" shall be deleted.

88. On page 41, a new paragraph 313 (between existing paragraphs 312 and 313), “J.Q. had a Secret clearance when her current employer hired her.” shall be created.

89. On page 41, in paragraph 316, “Plaintiff’s second-level supervisor....” shall be corrected to “Plaintiff’s current second-level supervisor....”

90. On page 42, in paragraph 320, “current employment and ” shall be corrected to “current employment, ” and “by notifying her current, causing....” shall be corrected to “and caused....”

91. On page 42, in paragraph 323, “that employee....” shall be corrected to “that former employee.”

92. On page 44, in paragraph (1), “all documents described....” shall be corrected to “all records, documents, or files....”

93. On page 44, in paragraph (2), “other documents related....” shall be corrected to “other documents or other results of data mining or Internet searching related....”

94. On page 45, in paragraph (10), “; and” shall be corrected to “;”.

95. On page 45, create a new paragraph (11): “Order the Defense Department to hire Plaintiff into a GS-15, Step 6 or higher-compensated supervisory position suitable to Plaintiff; and”

96. The following new paragraphs 110-116 shall be created:

- a. On or about March 13, 2014, O’Connor relayed a request from Piercy to Krause to prepare a Letter of Warning and Instruction (LOWI) to issue to his absentee employee.
- b. By this time, Piercy had been waiting for the LOWI for two months.

- c. Krause responded by summoning O'Connor to her office and screaming at her.
- d. O'Connor stated politely that she would not listen to Krause's personal attack on her character and left Krause's office.
- e. Krause followed O'Connor into O'Connor's office and slammed the door.
- f. When Koogler entered O'Connor's office, she observed Krause blocking O'Connor's exit, and O'Connor looking panicked and asking Krause to move.
- g. After Koogler startled Krause by asking O'Connor if O'Connor wanted some "fresh air," she and O'Connor walked each other outside, away from Krause.

97. On page 8, paragraphs 32 and 33 shall be combined into a new paragraph 33.

98. A new paragraph, 35, shall be added – "Many of Slicker's legal clients expressed that they were "terrified" of Slicker, based on her abusive and demeaning responses to their legal questions."

99. Paragraph 211 on page 28 shall be deleted.

100. Paragraphs 223 and 224 on page 30 shall be combined into one paragraph, 223.

101. On page 30, footnote 37 shall be deleted and footnote 38 shall be corrected from "*Id.*" to "*Id.* at 1."

Plaintiff's Complaint has been modified to reflect the above and is attached as Exhibit A to this Notice of Errata. Plaintiff regrets any inconvenience caused to by the filing of this Errata.

Respectfully submitted,

/s/ Gerald Gilliard
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